



General Assembly

Substitute Bill No. 342

February Session, 2010

* ____SB00342TRA__031510__ *

**AN ACT CONCERNING THE ISSUANCE OF A CERTIFICATE FOR THE
OPERATION OF A TAXICAB AND THE ESTABLISHMENT OF A
PENALTY FOR THE OPERATION OF A "GYPSY" CAB.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 13b-97 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) No person, association, limited liability company or corporation
4 shall operate a taxicab until such person, association, limited liability
5 company or corporation has obtained a certificate from the
6 Department of Transportation certifying that public convenience and
7 necessity require the operation of a taxicab or taxicabs for
8 transportation of passengers, the acceptance or solicitation of which
9 originates within the territory specified in such certificate except as
10 provided under subsection (d) of this section. No such certificate shall
11 be issued unless the department finds that the person, association,
12 limited liability company or corporation is suitable to operate a taxicab
13 service, after giving due consideration to, at a minimum, the following
14 factors: (1) Any convictions of the applicant under federal, state or
15 local laws relative to safety, motor vehicle or criminal violations; (2)
16 the number of taxicabs to be operated under the certificate; (3) the
17 adequacy of the applicant's financial resources to operate the taxicab
18 service; (4) the adequacy of insurance coverage and safety equipment;
19 and (5) the availability of qualified taxicab operators. The

20 commissioner shall request the state criminal history records check for
21 any person or any officer of any association, limited liability company
22 or corporation applying for such certificate from the State Police
23 Bureau of Identification. The commissioner shall arrange for the
24 fingerprinting of any person or any officer of any association, limited
25 liability company or corporation applying for such certificate and
26 forward the fingerprints to said bureau which shall submit the
27 fingerprints to the Federal Bureau of Investigation for a national
28 criminal history records check for any federal conviction specified in
29 subdivision (1) of this subsection. A fee shall be charged by the
30 commissioner for each such national criminal history records check
31 which shall be equal to the fee charged by the Federal Bureau of
32 Investigation for performing such check. Such certificate shall be
33 issued only after written application, fingerprinting and said criminal
34 history records check for the same has been made and public hearing
35 held thereon. The application shall be accompanied by a fee of
36 eighty-eight dollars and the fee for said criminal history records check.
37 Upon receipt of such application, the department shall fix a time and
38 place of hearing thereon and shall promptly give written notice of the
39 pendency of such application and of the time and place of hearing
40 thereon to such applicant, the mayor of each city, the warden of each
41 borough or the first selectman of each town in which the applicant
42 desires to originate the transportation of such passengers, and to any
43 common carrier operating within the territory specified.
44 Notwithstanding any provision of this subsection, [to the contrary,] the
45 department may, upon receipt of a written application, amend an
46 existing certificate to increase the number of taxicabs which may be
47 operated pursuant to the certificate without holding a hearing on the
48 application, provided the department issues a legal notice of such
49 application in a daily newspaper in accordance with the provisions of
50 section 1-2, gives written notice of the pendency of such application to
51 any common carrier operating within the territory specified and no
52 objection is filed with the department within thirty days of each such
53 notice. With respect to any application filed under the provisions of
54 this subsection, the department shall not consider as a ground for

55 denial of a request for an increase in the number of taxicabs to be
56 operated within the territory specified, any number of taxicabs not
57 currently registered with the Commissioner of Motor Vehicles at the
58 time of filing of such application or at the time of any hearing held
59 thereon.

60 (b) Any town, city or borough within which taxicab service is
61 operated or any interested party may bring a written petition to the
62 department with respect to fares, service, operation or equipment or
63 the convenience, protection and safety of passengers and the public.
64 Thereupon, the department may fix a time and place for a hearing
65 upon such petition, and give written notice thereof to the parties in
66 interest at least one week prior to such hearing.

67 (c) No certificate shall be sold or transferred until the department,
68 upon written application to it setting forth the purpose, terms and
69 conditions thereof, and after investigation, finds that the purchaser or
70 transferee is suitable to operate a taxicab service after consideration of
71 the factors specified in subsection (a) of this section and approves the
72 same. The application shall be accompanied by a fee of eighty-eight
73 dollars. The department may amend or, for sufficient cause shown,
74 may suspend or revoke any such certificate. The department may
75 impose a civil penalty on (1) any person who has a certificate issued by
76 the department or who is the purchaser or transferee of a certificate
77 sold or transferred with the approval of the department, or (2) any
78 officer of any association, limited liability company or corporation
79 [who violates] that has a certificate issued by the department or that is
80 the purchaser or transferee of a certificate sold or transferred with the
81 approval of the department, for a violation of any provision of this
82 chapter or any regulation adopted under section 13b-96 with respect to
83 fares, service, operation or equipment, in an amount not to exceed one
84 hundred dollars per day for each violation. Any such certificate issued
85 by the department shall remain valid unless suspended or revoked by
86 the department. Any such certificate issued by the Division of Public
87 Utility Control within the Department of Business Regulation prior to

88 October 1, 1979, or by any transit district prior to March 1, 1997, shall
89 remain valid unless suspended or revoked by the Department of
90 Transportation.

91 (d) Any person, association, limited liability company or
92 corporation which has obtained a certificate under subsection (a) of
93 this section may solicit, receive and discharge taxicab passengers at
94 Bradley International Airport, subject to formal agreement with the
95 Commissioner of Transportation provided such agreement shall not
96 take precedence over its obligation to provide taxicab service within
97 the territory specified in such certificate. Any such person, association,
98 limited liability company or corporation may discharge taxicab
99 passengers received at such airport within a territory other than the
100 territory specified in its certificate. The commissioner may charge and
101 collect a reasonable fee from any such person, association, limited
102 liability company or corporation for the privilege of solicitation of such
103 passengers.

104 Sec. 2. Section 13b-100 of the general statutes is repealed and the
105 following is substituted in lieu thereof (*Effective October 1, 2010*):

106 (a) (1) Any person who has a certificate issued by the department or
107 who is the purchaser or transferee of a certificate sold or transferred
108 with the approval of the department, or [the officers] (2) any officer of
109 any association, limited liability company or corporation [who violate
110 any provision of this chapter or any order or regulation adopted or
111 established under any such provision] that has a certificate issued by
112 the department or that is the purchaser or transferee of a certificate
113 sold or transferred with the approval of the department, shall be fined
114 not more than one thousand dollars for a violation of any provision of
115 this chapter or any order or regulation adopted or established under
116 any such provision, and the certificate issued to [him] such person or
117 to such association, limited liability company or corporation may be
118 revoked.

119 (b) Any person who operates a taxicab without a certificate issued

120 by the department pursuant to section 13b-97, as amended by this act,
121 shall be guilty of a class A misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	13b-97
Sec. 2	<i>October 1, 2010</i>	13b-100

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TRA *Joint Favorable Subst.*